



U. S. Fish and Wildlife Service

## Florida Manatee Proposed Manatee Protection Areas Rule Frequently Asked Questions

(updated March 2, 2001)

---

### **Q1: What is a manatee refuge?**

A1: Manatee refuges are areas where **certain** waterborne activities are restricted or prohibited to prevent the taking of one or more manatees. Waterborne activity includes, but is not limited to, swimming, diving (including skin and SCUBA diving), snorkeling, water skiing, surfing, fishing, the use of water vehicles, and dredging and filling operations. For an area designated as a manatee refuge, the regulation will state which, if any, waterborne activities are prohibited, and state the applicable restrictions. Designation of manatee refuges will not eliminate waterway property owner access rights.

### **Q2: What is a manatee sanctuary?**

A2: Manatee sanctuaries are areas in which **all** waterborne activities are prohibited to prevent the taking of one or more manatees, including, but not limited to, a taking by harassment. Designation of manatee sanctuaries will not eliminate waterway property owner access rights.

### **Q3: Why are you proposing sites for designation as manatee refuges or sanctuaries?**

A3: We are assessing the needs of the manatee at an ecosystem level using the best available scientific information to ensure adequate protected areas are available to satisfy its biological needs. Protection areas will help to reduce manatee mortality and harassment. We will focus the proposed designations on those sites in which we have determined that federal action can effectively address the needs in the particular area. We also will consider designation of areas in which state and local governments have been unable to implement what we consider to be adequate protection measures. We will continue to assess the need to maintain and establish protected sites as our understanding of the manatee's biological requirements is refined.

### **Q4: What is your legal authority to establish/designate manatee refuges or sanctuaries?**

A4: The authority to establish protection areas for the Florida manatee is provided by the *Endangered Species Act of 1973*, as amended, and is codified in Title 50 of the *Code of Federal Regulations*, part 17, subpart J. We may, by regulation, establish manatee protection areas--sanctuaries or refuges--whenever there is substantial evidence showing such establishment is necessary to prevent the taking of one or more manatees.

**Q5: Where would the manatee refuges and sanctuaries be located?**

A5: At this time, we are in the process of completing our review of all the recommendations, pre-proposal comments, and best biological data and have not made final site selections. In the proposed rule, we will identify counties where we believe federal actions may be warranted and will propose establishment of manatee protection areas in these counties. We are coordinating our efforts closely with the Florida Fish and Wildlife Conservation Commission.

**Q6: What is “take”?**

A6: “Take”, as defined by the Endangered Species Act, means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.” “Harm” is further defined by us to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding or sheltering. We define “harass” as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering.

**Q7: Was the public given an opportunity to participate in this process?**

A7: Yes. An Advance Notice of Rulemaking was published in the *Federal Register* in September 2000 advising the public we were initiating our review and requesting comments on our process. We then held a series of six (6) public workshops in December 2000 to solicit comment, suggestions and additional recommendations. These workshops were non-regulatory in nature, meaning they were not required by any statutory rule or regulation. Additionally, the public will get a minimum 60-day period to comment on our specific proposed rule once it is published in the *Federal Register*.

**Q8: Why did you hold these workshops?**

A8: We wanted to give the public an opportunity to enter into the review process prior to any Service decision or proposal being made. Through these informal workshops we hoped to gain insight into issues of concern to our stakeholders, and to get suggestions, recommendations and comments on our process.

**Q9: What was the outcome of the workshops?**

A9: A total of 396 people attended the workshops, of which 166 provided comments. Although most of the comments were general in nature, either supporting our efforts to establish additional manatee protection areas or opposing them, several individuals provided specific information or comments. Media reports on the workshops, as well as public participant efforts, subsequently generated a large amount of public comment regarding our process and any proposals we might consider making. Stakeholder key concerns regarding impacts any decision might have included public waterway access, waterway property owner rights, economic impact on both businesses and property values, and necessity of additional manatee protection areas. We are completing our review of all comments, as well as the best available biological data, so that we can develop our proposed designation of manatee protection areas.

**Q10: How will these manatee restrictions affect property rights?**

A10: In all of the cases, designation of manatee refuges or sanctuaries will not eliminate waterway property owner access rights. Residents and their guests would be permitted watercraft access through a manatee sanctuary or refuge to private residences, boat houses, and docks. Any authorized boating activity would be conducted by operating watercraft at "Slow Speed."

**Q11: Will designation of a site as a manatee refuge or sanctuary restrict my access to Florida's waterways?**

A11: It is not our intent or desire to create blanket access restrictions to Florida's waterways. However, some level of impact would be experienced in areas designated as manatee protection areas. The types of prohibited or restricted waterborne activities and schedule for such will vary from site to site and may be seasonal in nature. In all cases, designation of manatee sanctuaries and refuges will not eliminate waterway property owner access rights.

**Q12: Do you consider economic and quality of life impacts on citizens when making final site selection?**

A12: Yes. We consider waterway access, impact on commercial and recreational waterway uses, as well as community economic impacts in reaching final decisions.

**Q13: Are you singling out watercraft as the only cause of manatee mortality?**

A13: No. We acknowledge that watercraft-related mortality is not the only cause of manatee deaths. It is, however, the number one cause of human-related deaths. Designation of manatee protection areas offers us an opportunity to implement sound, effective risk-reduction management actions. Adult survival rates are one of the key criteria we consider in gauging success of our recovery efforts, and implementation of these proposed protection areas is expected to have a significant impact on overall adult manatee survival rates. (For information on other Service manatee protection efforts, go [here](#).)

**Q14: I thought the Florida Fish and Wildlife Conservation Commission was designating speed zones, refuges and sanctuaries; are you coordinating your efforts with the state agencies?**

A14: We are coordinating our efforts closely with the Commission. We are open to considering state and local government agency actions in lieu of federally-designated protection areas. Therefore, actions taken by state or local agencies between now and our final determination may impact our final site selection and/or designation.

**Q15: How is the settlement between the Save the Manatee Club et al. and the Fish and Wildlife Service impacting this process?**

A15: In the settlement, we agreed to a specific target time for proposing manatee refuges and sanctuaries. Our review process was already underway before the lawsuit was filed. (To review the settlement agreement, go [here](#).)

**Q16: What is the final settlement between the Save the Manatee Club and the State of Florida?**

A16: Please contact the Florida Fish and Wildlife Conservation Commission for information related to the state lawsuit.

**Q17: Does the Fish and Wildlife Service have enough people to post regulation signs and boundary signs?**

A17: We are committed to posting and enforcing any manatee protection area we designate.

**Q18: How are these manatee protection areas enforced?**

A18: Manatee protection area restrictions are enforced by our law enforcement officers through routine patrol and task force operations. Using unmarked water craft, our officers use video and still photography to document boat operators violating posted manatee protection zone restrictions and apprehend the operators. Information and evidence gathered by the officers is turned over to the U. S. Attorney's who subsequently issues a federal violation notice to the offender. First offender notices offer the option of paying a forfeiture of collateral amount established by the local federal court where the violation occurred or appearing before a U. S. Magistrate Judge. Repeat offenders may not receive this option and may be required to appear in federal court. Our officers coordinate with state conservation officers, local sheriff marine patrols, and the U.S. Coast Guard to conduct task force actions and in providing manatee protection areas enforcement training.

**Q19: Since the State of Florida's 2001 manatee count was higher than expected, why are you proceeding with the proposal to designate manatee refuges and sanctuaries?**

A19: We are very pleased with this year's count and see these numbers as indicative of the success of many long-term conservation efforts. However, collisions with watercraft and harassment actions that impede the use of warm water areas critical to manatee survival continue to impact manatees. Whether or not the manatee populations grows or declines is primarily dependent on the survival rate of adult manatees. The proposed manatee protection areas will help ensure sufficient adult survival. We reviewed the existing network of federal, state and local manatee protection areas and we identified gaps in the existing network and will be proposing appropriate measures to fill those gaps.

**Q20: How many federal manatee sanctuaries are currently in place and what impacts have they had on manatee protection and recovery?**

A20: There are seven (7) federal sanctuaries in Florida, all of which are located in the Crystal River area. Specific quantitative impact is difficult to measure. We do know that Citrus County has the highest manatee adult survival rates and overall population growth in the state. This would seem indicative of a well-implemented, well-enforced manatee protection plan.

**Q21: Will any changes be made at the existing manatee sanctuaries in Crystal River?**

A21: We are not proposing any changes to the seven (7) Crystal River manatee sanctuaries at this time. However, we will continue to monitor and review activities at these sites and may take appropriate measures to adjust existing boundaries and designations to ensure the protection of manatees in the area.

**Q22: What are the next steps in the process?**

A22: Once the proposed rule is published in the *Federal Register*, we will open a 60-day public comment period. The public may request public hearings, in writing, during the first 45 days of the comment period. If public hearings are requested, we will publish notices in the *Federal Register* and in local newspapers announcing the date(s) and location(s) of the hearing(s). At that time, we may need to extend the public comment period to allow interested parties sufficient time to submit their comments for the record. When the comment period closes, we will take into consideration all comments and any additional information received in making a final determination regarding this proposal. The final determination is due to be submitted to the *Federal Register* by September 28, 2001, based on the manatee lawsuit settlement agreement.

- END -

Chuck Underwood, Jacksonville ES FO, Public Affairs, 904-232-2580 x109  
D:\Projects\Manatee Sanctuaries and Refuges\Generic Stuff\mpa-faq-021501.wpd